

BILL NO. Z-76-09-33

ZONING MAP ORDINANCE NO. Z-Loch

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. D-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated a BIA District under the terms of Chapter 36, Munici-
pal Code of the City of Fort Wayne, Indiana, 1946, as amended by
General Ordinance No. 2836 and amendments therof; and the symbols
of the City of Fort Wayne Zoning Map No. D-10, referred to therein,
established by Section 9, Article III of said Chapter as amended,
are hereby changed accordingly, to-wit:

Lot 5 in Myers Southmere Addition to the City
of Fort Wayne, Indiana, according to the re-
corded plat thereof, recorded at Plat Record
16, page 147, in the Office of the Recorder
of Allen County, Indiana.

SECTION 2. This Ordinance shall be in full force and
effect from and after its passage, approval by the Mayor and
legal publication thereof.

John Snickols
Councilman

APPROVED AS TO FORM
AND LEGALITY,

Mayor
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 9-28-76

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.

~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BURNS	_____	<input checked="" type="checkbox"/>	_____	_____	_____
HINGA	_____	<input checked="" type="checkbox"/>	_____	_____	_____
HUNTER	_____	_____	_____	<input checked="" type="checkbox"/>	_____
MOSES	_____	<input checked="" type="checkbox"/>	_____	_____	_____
NUCKOLS	_____	<input checked="" type="checkbox"/>	_____	_____	_____
SCHMIDT, D.	_____	_____	<input checked="" type="checkbox"/>	_____	_____
SCHMIDT, V.	_____	<input checked="" type="checkbox"/>	_____	_____	_____
STIER	_____	<input checked="" type="checkbox"/>	_____	_____	_____
TALARICO	_____	_____	<input checked="" type="checkbox"/>	_____	_____

DATE: 4-12-77

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 1976.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Charles W. Westerman
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 28, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-09-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

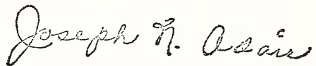
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 11, 1976;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 18, 1976.

Certified and signed this
21st day of October, 1976.



Joseph N. Adair
Secretary

Bill No. Z-76-09-33

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. D-10

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Not PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt
Winfield C. Moses Jr
William T. Hinga
Donald Schmidt

DATE 4-12-77 C. W. WESTERMAN
CHARLES W. WESTERMAN, CITY CLERK

Bill No. Z-76-09-33

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. D-10

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

RECEIPT

Date

Sept 3 1976

No.

6842

Received From

Charles Little

Address

Fifty dollar

Dollars

50⁰⁰

For

Reasoning - hot #5 Myers
Southmore Cedar

ACCOUNT

HOW PAID

AMT. OF
ACCOUNT

AMT. PAID

BALANCE
DUE

CASH

CHECK

MONEY
ORDER

401

By

City Plan Commission

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use Beauty Shop

I/We Charles & Mary Little
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-A district to a/an B1A district the property described as follows:

Lot 5 in Myers Southmere Addition to the City of Fort Wayne, Indiana,
according to the recorded plat thereof, recorded at Plat Record 16,
page 147, in the Office of the Recorder of Allen County, Indiana.

(Legal Description)

LOT # _____ ADDITION: _____

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

EVELYN M POEPPPEL

1841 Paulding Rd

Evelyn M Poepppele
Owner

OWNER DECEASED

Mary L. Little

Charles R. Little

William J. Myers

(Name)

(Address)

(Signature)

Legal Description Checked By: _____

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Notify: Charles Little / 6008 Moeller Road / 46806

CHARLES AND MARY LITTLE

6008 Moeller Rd. Lot #29

749-2690

(Name)

(Address)

(Telephone Number)

WE THE UNDERSIGNED DO NOT PROTEST THE REZONING
FROM "RA" TO "BIA" OF LOT #5 IN MYER'S
SOUTHERE ADDITION, COMMONLY KNOWN AS 1821 E. PAULDING RD.,
FOR THE SOLE USE AS A BEAUTY SHOP WITHIN THE RESIDENCE.

NAME;

ADDRESS;

Martha J. Sharpe	2803 E. Maple Grove Ave
Margaret E. Mitchell	3718 Oak Park Dr.
Doris M. Hicks	4724 Wellington
Judy J. Frey	3207 Conington Lk. Dr.
Arleta J. Taubner	11423 Trails North Dr.
Sarah E. Egan	1829 Curdes
Mo E. E. Egan	2720 Woodward
McDermott	3419 Doty
Bonnie Egan	4923 Hemlock
Violet Young, 3509 S. South Lafayette ST.	
Beth Jackson	3516 COUNTRYDALE
Helen Schoenfeld	6647 Zissel Ridge Ln
Theresa Baumgartner	2525 Dellview Pl.
Jeanette Brute	3607 Inwood Dr.
Cheryl Paepfel	4314 Whiteford Ln
Stanley Paepfel	4314 Whiteford Ln.
John Lambing	2805 So. Hanna St.
Robert Lambing	2805 S. Hanna St.

WE THE UNDERSIGNED DO NOT PROTEST THE REZONING
FROM "RA" TO "B1A" OF LOT #5 IN MYER'S
SOUTHERE ADDITION, COMMONLY KNOWN AS 1821 E. PAULDING RD.,
FOR THE SOLE USE AS A BEAUTY SHOP WITHIN THE RESIDENCE.

NAME;

ADDRESS:

Dave Schmutter ²⁰

Phillips E. Boyer

Bruce A. Bennett

DiAnn Jeffrey

RB King

T J Hagerman

J. F. Hoffale

P D Murray

J. W. Enhoff

R. Delamoris

* Elmer May Chapman

* Mr. & Mrs. Don Coy

* Mr. & Mrs. Elvin Arnold

* R. L. Wigmore

* Jerry Niederhott

Allen W Spry

Dan Tulger

* Kevin Rice

* L. A. Corley

* Maureen Glauze

1016 Middle St.
New Haven, Conn
2919 SHAWNEE DR.

2811-1 Northgate Blvd.
335 W. Taber Apt 3
3923 1/2 S Cokkoun

7922 Crocker Dr.

2705 Oakwood Dr.

5325 Crandon Tr.

1731 Maplewood Rd.

4345 Wedding Dr

1906 Paulding Rd.

1835 E. Paulding Rd.

1917 E. Paulding Rd.

5801 Anthony Island

5727 D. Anthony

2945 Euclid

5410 Standish Dr.

4041 Warsaw

2025 Paulding Rd.

2025 Paulding Rd.

WE THE UNDERSIGNED DO NOT PROTEST THE REZONING
FROM "RA" TO "B1A" OF LOT #5 IN MYER'S
SOUTHERE ADDITION, COMMONLY KNOWN AS 1821 E. PAULDING RD.,
FOR THE SOLE USE AS A BEAUTY SHOP WITHIN THE RESIDENCE.

NAME;

ADDRESS;

Mr. & Mrs. Charles Little	6008 Maellen Rd. Lot #29
Mr. & Mrs. Robert Patroude	5615 Madonna Drive
Jean Dietrick	4033 Becker Rd.
Shirley Mieser	6439 Red Bud Dr
Sharon Weiant	2206 Embassy Dr.
Mildred Koczor	418 Mayme Dr
Virginia Bailey (Miller)	4610 - S - Hanova
Betty Allan	911 Tulip Tree Rd
Lorraine Lees	3909 Plaza Dr.
Madeline Mann	5025 Roberta Dr.
Mary King	606 E. Purdiss Blod.
Allenta L. Minnick	5622 Wayne Troce
Raymond Minnick	5622 Wayne Troce
Mr. & Mrs. Jack Baumgarter	2525 Dellman Dr.
Susan Thompson	2136 Dodge Ave.
Jan L. Mathis	2752 E Paulding Rd
Debbie McCombs	6010 Birchdale Dr.
* Evelyn Marie Poeppel, Trustee	1821 Paulding Rd

WE THE UNDERSIGNED DO NOT PROTEST THE REZONING
FROM "RA" TO "BIA" OF LOT #5 IN HYER'S
SOUTHWEST ADDITION, COMMONLY KNOWN AS 1821 E. PAULDING RD.,
FOR THE SOLE USE AS A BEAUTY SHOP WITHIN THE RESIDENCE.

NAME;

ADDRESS;

Margaret E. Zuber 4616 Alberto Rd.,
Mariane L. Stemberger 5010 Lillie St.
Barbara W. Wiesenkings 2511 West Dr.

Shirley Zuber 1218 Park Ave.

Marta Marguardt 2968 Lynn
Dora Hankley 7626 Sunny Lane
Ann Thompson 1423 Cypress Ln.

Betty Morgan 2733 Clara ave.

Mary Lou Guhl 4926 Strong Run Court

Mrs. Vance 4465 Eichen -

Mrs. Judge 2424 Main St.

Jeanne Carr 6500 St. Joe Rd.

Gerry Blair R#1 Thommallett 46773

4907 Tillman R. 1447-143

Woodburn Ind. R.R.#2

4741 Winter St 46806

4327 S Loya Fette

333 W. Burns Blvd.

Anna Zuber
Denomy Beverly
Jeanne Wilkey
*Handy Bros
Jo Pagnalotti

owner "Mister Donut"

Carole Langherty
Robert V. Zuber Jr

2722 Raymond St.
7402 LAKERIDGE MS.

WE THE UNDERSIGNED DO NOT PROTEST THE REZONING
FROM "RA" TO "B1A" OF LOT #5 IN MYER'S
SOUTHWERE ADDITION , COMMONLY KNOWN AS 1821 E. PAULDING RD. ,
FOR THE SOLE USE AS A BEAUTY SHOP WITHIN THE RESIDENCE .

NAME;

ADDRESS;

Judith G. Tarlton

Levine Nurbart

C. Flat Nurbart

Virginia Luliff

Chas. Bluegrum

Mrs. Ronald Hamilton

Lana Stoltz

Lester Stoller

Betty Ladd

Mr. & Mrs. Gray E. Dunlap

Joan Forst

Mervene Zuber

Vesta C. Pierney

Carma Keairnes

Charles Staley

Mr & Mrs Eugene Hatley

Evelyn Forst

*Mr & Mrs Fred J Peppel

4912 Bade Dr 46816

4610 Stansh Dr. 46806

4610 Stansh Dr. 46806

4221 Schmeier Ct.

371 E. Hoover Dr. 46816

4422 Marquette Dr. 46806.

422 Englewood Ct. 46807

1005 Middle St.

3109 Hagland Ave.

7009 Lincoln Hwy. E. 46803

1515 Anniston Rd.

4616 Albert Dr.

4844 Oliver St.

3914 Taylor Rd.

2925 Drexel Ave.

7311 W Co Line Rd.

811 Tennessee ave

1841 Paulding Rd

WE THE UNDERSIGNED DO NOT PROTEST THE REZONING
FROM "RA" TO "B1A" OF LOT #5 IN HYER'S
SOUTHWERE ADDITION , COMMONLY KNOWN AS 1821 E. PAULDING RD. ,
FOR THE SOLE USE AS A BEAUTY SHOP WITHIN THE RESIDENCE .

NAME;

Carla Smith
Gregory A. Smith
Katie Island
Sheil Hornberger
cindy ward
Linda Ward
Aime Sales
Barbara Gillman
Jean Hart
Jane Seudder
Gay Craghead
Mary Lou Nave
Joan Bourguin
Laura Miele
Dorothy Hickman
Leggy McPlay
Karen Moeglein
Patty King
Lipa Brock
Kathy Larson
Kirkal Bounkamp

ADDRESS;

3919 Graywood Dr. City
3913 Graywood Dr. City
3107 Sundale Dr.
5109 Meadow Ln. City
3107 Sundale Dr. City
3107 Sundale Dr. City
2705 Shady Oak "D
1923 Fox Point Trail
2621 Stardale
3010 Stardale
3118 Stardale
3127 Stardale
3010 Sundale
3030 Sundale Dr.
8811 Crest Rd.
2825 Pinewood Dr.
3201 Postage Bl #36
1616 St. Louis Ave.
3414 Bawser Ave.
5019 Cloverbrook Dr.

Nancy Bego
Luth Netherlands
Jody Hornberger
Steve Howe

3019 Stardale Dr.
2812 Sundale Drive
5711 Fernwood Ave.
3118 Stardale Dr.

WE THE UNDERSIGNED DO NOT PROTEST THE REZONING
FROM "RA" TO "BIA" OF LOT #5 IN MYER'S
SOUTHERE ADDITION, COMMONLY KNOWN AS 1821 E. PAULDING RD.,
FOR THE SOLE USE AS A BEAUTY SHOP WITHIN THE RESIDENCE.

NAME;

John Long
Gudy Schmitt
R. Kozlowski
Linda Davis
Roy Williams
Betty Borsio
Dorothy Trueninger
Dorothy Munn
Connie Abbott
Vickie Sanders
Mary Mier
Mary Schell
Juanne Smith
Marlene Lane
Connie Duffner
Norma Schreff
Kay Cockwell
C. A. McEntee
D. C. Davis
NAN SICKAFOOSE
R. W. Huhn
Ray K. Schmitt
Marianne Bradt Miller
D. Merkler
H. Mahony
D. Burkholder
B. Hansen
Elaine K. Ahrens
Karen Mobitt
Cathy Cates
Cheryl Schorrey
Carol Murphy
K. Walter

ADDRESS;

1922 Lyons
14811 Frank Rd
3071 HOAGLAND AVE
3401 Oliver St
2503 Omaha
9018 Lempell
1410 Northlawn
1634 Hoffmann Blvd
4430 S. Park Dr.
675 T. DEN
4092 Hiram Canal Rd
1139 Columbia
931 Woodview Blvd
4312 Anthony Wayne Drive
916 Hill
3321 Norwich
6008 McElwain Lot 148
5301 Stoneledge
3323 Euclid
1717 RICHFIELD DR
823 KINSMOOR AVE
5929 Stalling Pl.
4417 North Dr.
2621 Casew
2328 Wells St.
1901 Omea Rd
272 E East Kn
8903 Leesburg Rd.
4420 Cook Rd
810 Greenlawn
13105 Fisher Rd
4108 E. Middle Dr
344 E. Essex Ln



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Mayor Robert E. Armstrong Date 11-17-76
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council on November 23, 1976 - 7:00 P.M.

COPIES TO:

RE: ZONING CODE
(see attached paper clipping)

Pursuant to the request of the Common Council, the presence of Gary Baeten - City Plan Commission and Charles Hall - Commission Chairman of City Plan, is respectfully requested on November 23, 1976, at 7:00 o'clock P.M., Room 128, Common Council Conference Room.

Council is interested in establishing some means to allow variances in their present zoning regulations. (see attached paper clipping)

Your cooperation will be greatly appreciated.

Options to zoning code

ed story on Page 3C)

SYLVIA SMITH

tired of wrestling with problems generated by the zoning ordinance, City Council said last night it will meet with the chairman of the Plan Commission to discuss revisions in the code.

The meeting, scheduled for Nov. 23, will be aimed primarily at establishing some means to allow variances in the zoning regulations in much the same way the County Board of Zoning Appeals does.

For the second meeting in a row last night, council was asked to permit a beauty shop in a residential area. The city zoning ordinance already permits a one-chair beauty shop in a home with no zoning changes required, but in both instances, the petitioners wanted more than one chair—and, therefore, were obligated to seek a change in the zoning.

In both cases, the neighbors were not at all opposed to a beauty shop; in fact, Mary Little presented a petition last night signed by 152 business owners and residents from the area on Paulding Road where she wants to open a two-chair beauty shop.

Yet, because there is no legal way for the city to allow a beauty shop in a residential zone, Mrs. Little had to ask for a

zone change—to a B-1-A, which also permits a variety of other uses such as groceries, toy shops, drug stores, taxi stands, record shops, florists and tea rooms.

Council members said they recognize there is a problem. First, they don't want to spot zone, which means permitting a commercial zoned lot in the midst of a residential area. And, second, they realize a beauty shop is not at all like a grocery in terms of the traffic it generates and the changes it brings to the neighborhood.

Mrs. Little offered to write a restrictive covenant into the deed of the house she plans to buy at 1821 Paulding Road so the zoning would revert to residential if she sells the property. But the council members explained there is no legal way to enforce those types of promises, which could be lost in legal papers.

Councilman Donald Schmidt wondered why the Plan Commission couldn't make some kind of notation on its maps if variances or covenants were permitted.

He strongly suggested council "take the bull by the horns" and draft legislation to permit variances because, two years ago, the Plan Commission was asked to revise the zoning codes, but has not done so.

His suggestion was modified by other council members to provide for a meeting with Commission Chairman Charles Hall in two weeks.

DIGEST SHEET

TITLE OF ORDINANCE _____ Zoning Map Amendment Ordinance

3-76-09-33

DEPARTMENT REQUESTING ORDINANCE _____ CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE _____ Petitioners are requesting the rezoning
of the following described property:

Lot # 5 in Myers Southmere Addition, generally located on the north side of

Paulding Road, approximately 182 feet east of Anthony Blvd.

From "RA" to "B1A"

EFFECT OF PASSAGE _____ Property is presently zoned an "RA" District - Suburban
Residential. Petitioners are requesting a "B1A" District - Limited Business.

EFFECT OF NON-PASSAGE _____ Property would remain "RA".

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____ none

ASSIGNED TO COMMITTEE (J.N.)

Regulation Station